

ORAL ARGUMENT SCHEDULED FOR MARCH 11, 2024

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

TRENTON J. PALMER,

Petitioner,

v.

No. 23-1239

MICHAEL G. WHITAKER,
Administrator, FEDERAL AVIATION
ADMINISTRATION, and NATIONAL
TRANSPORTATION SAFETY BOARD,

Respondents.

**RESPONSE TO SENATOR TED BUDD MOTION FOR LEAVE TO
FILE AMICUS CURIAE BRIEF**

Pursuant to Federal Rule of Appellate Procedure 27(a)(3), the Administrator of the Federal Aviation Administration (“FAA”) and the FAA (collectively “Respondents”) respond to Senator Ted Budd’s Motion for Leave to File Amicus Curiae Brief Supporting Petitioner.

1. On November 2, 2023, this Court issued an Amended Order setting the briefing schedule in this matter. *See* Amended Order, ECF #2025082. Petitioner’s Brief was due by December 11, 2023 and was

filed on that day. Amicus Curiae for Petitioner's Brief were due by December 18, 2023. The Aircraft Owners and Pilots Association, Alaska Airmen's Association, and Experimental Aircraft Association filed their amicus brief on December 18, 2023. Respondents' Brief was due by January 17, 2024, and was filed on that day. Petitioner's Reply Brief is due by February 7, 2024 and has yet to be filed.

2. Pursuant to this Court's November 2, 2023 Amended Order, amicus curiae briefs in support of Petitioner were due by December 18, 2023. *See* D.C. Cir. R. 29(c); *see also* Fed. R. App. P. 29(a)(6) (providing that “[a]n amicus curiae must file its brief...no later than 7 days after the principal brief of the party being supported is filed”).

3. On February 2, 2024, Senator Ted Budd filed a Motion for Leave to File Amicus Curiae Brief Supporting Petitioner. In his Motion, Senator Budd acknowledges his untimely filing.

4. Respondents take no position on Senator Budd's Motion for Leave to File.

5. If this Court grants Senator Budd's Motion, Respondents respectfully request 21 days to respond to Senator Budd's Amicus Brief.

Respectfully submitted,

/s/ Joy K. Park
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FEBRUARY 2024

CERTIFICATE OF COMPLIANCE

I certify that this document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 270 words.

/s/ Joy K. Park
Joy K. Park

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2024, I electronically filed the foregoing response with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

/s/ Joy K. Park
Joy K. Park